

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ASHLEY BROTHERS CATTLE
c/o ROBERT ASHLEY
P.O. BOX 112
TYGH VALLEY, OREGON 97063

confirms the right to use the waters of WHITE RIVER, a tributary of DESCHUTES RIVER, for the purpose of IRRIGATING 34.0 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for WASCO County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 18, at page 379. The date of priority is 1894.

The right is limited to not more than 0.85 CUBIC FOOT PER SECOND TO JULY 1ST AND 0.425 CFS THEREAFTER IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION (ZUMUALT AND KINYON DITCH), NW 1/4 NW 1/4, SECTION 12, T 4 S, R 13 E, W.M.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 12, T 4 S, R 13 E, W.M.; 910 FEET NORTH AND 450 FEET WEST FROM E1/4 CORNER SECTION 12.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH cubic foot per second UP TO JULY 1ST AND ONE-EIGHTIETH cfs per acre THEREAFTER or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.0 ACRE FOOT PER ACRE DURING ANY 30 DAY PERIOD UP TO JULY 1ST AND 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

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NW 1/4 NE 1/4 4.2 ACRES
SW 1/4 NE 1/4 28.9 ACRES
SE 1/4 NE 1/4 0.9 ACRE
SECTION 7
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 26, 1981, and describes that portion of the water right confirmed by certificate 5746, State Record of Water Right Certificates, NOT CANCELLED by DECREE OF THE CIRCUIT COURT FOR WASCO COUNTY ENTERED AUGUST 3, 1981.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date FEBRUARY 24, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60400

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